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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kim

Application No.: 09/734,278

Filed: 12/10/2000

For: UNIVERSAL THREE-  
DIMENSIONAL GRAPHICS VIEWER  
FOR RESOURCE CONSTRAINED  
MOBILE COMPUTERS

Examiner: ANYASO, UCHENDU O

Technology Center/Art Unit: 2675

**RENEWED PETITION TO REVIVE**  
**UNDER 37 CFR 1.137(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Sirs:

Applicants petition to revive the above-identified application under 37 CFR §1.137(b). The application was unintentionally abandoned. The entire delay, including the delay from the date of discovery of the abandonment of the application through the date of this Petition, was unintentional. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The proposed response in the form of a response was forwarded with the original Petition, and payment for \$750 was previously submitted. Hence, no fee is due.

Respectfully submitted,



Bao Tran

Reg. No. 37,955

TRAN & ASSOCIATES

5768 Meadow Vista Court,

San Jose, CA 95135

Tel: (408) 528-7490

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**DECLARATION OF JESSE KIM**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313

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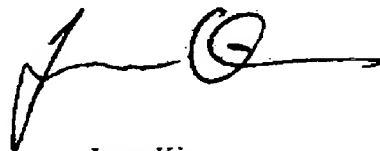
Sir:

I, Jesse Kim, declare as follows, under the penalty of perjury.

1. I am the inventor of the invention in Application Serial No. 09/734,278, filed December 10, 2000. The correspondence address for the application was set for my residence at 1198 Morrill Court, San Jose, CA 95132.
2. I entered into an arrangement with a California corporation called 3d4W, Inc. to handle the prosecution and to take care of the expenses of prosecuting the application in exchange for future value to be paid to me by 3d4W. Thus, while I was the inventor and the author of the draft which eventually became the filing, I was not the party that actively ensured that details such as responses to the PTO were done in a timely manner.
3. I moved my residence during the summer of 2002, and I never received any letter of abandonment from the PTO. I relied on 3d4W to handle everything and thus did not check on the status of the application.
4. On or about June 2006, I discovered that 3d4W, Inc. was no longer in operation. This was confirmed by looking up the status of 3d4W with the California Department of Corporations. 3d4W never paid me value for the invention, and I never heard from 3d4W on any Office Action in the case. If the company received the rejection or the letter of abandonment, the company never forwarded to me for comments or help in responding to the rejection.
5. In June 2006, I diligently began looking for the status of the application. I asked Mr. Bao Tran, my patent attorney, to research the status of the case around the middle of June 2006. He subsequently reported to me that the case was abandoned for failing to respond to an Office Action in the application. As soon as I became aware of the abandonment, I requested Mr. Tran to revive the application.

6. I authorized Mr. Tran to order a copy of the file history from the USPTO so that he can draft a propose response as part of the petition to revive. I knew that he ordered the copy on June 26, 2006 as I was billed for the cost. The copy of the rejection was received sometime in July 2006.
7. Mr. Tran worked on the response to the Office Action of 7-15-2002 and prepared the petition to revive. He sent the draft response to the Office Action to me for review. After several iterations, the response was completed and Mr. Tran subsequently filed the petition on 8-30-2007 with the response. The original petition was dismissed on 3-02-2007, and Mr. Tran renewed the petition on 3-07-2007.
8. Mr. Tran informed me that he had inquired with the PTO about the status of the case in mid December 2007. He ultimately received a second dismissal on 12-19-2007 and he forwarded the dismissal to me for review. The dismissal requested the details of the abandonment and I immediately worked on the details discussed herein as requested in the dismissal.
9. In sum, the application was unintentionally abandoned. The delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on my part. The entire delay, including the delay from the date of discovery of the abandonment of the application through the date of this Petition, was unintentional. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Regards,

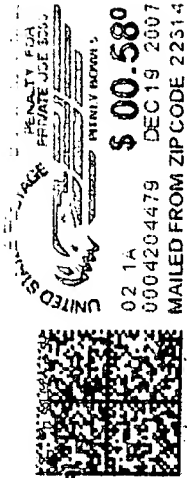


Jesse Kim

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